



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
November 18, 2022

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 20, 2021. The agenda was posted on November 16, 2022, on the front and back doors of the 50 Northeast 23rd Street building in Oklahoma City, the door of the ABLE Commission's Office Reception area, and the ABLE Commission website.

Vice Chairman Brooks called the meeting to order at 10:00 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23rd Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: Jonathan Brooks; Robert "Bob" Usry; Andrew Revelis; and A. Ainslie Stanford II. The others present were: Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma; J.B Jarboe, Southern Glazers Wine and Spirits; Jose Almanzar, Homeland; Edward Tuya, Oklahoma Department of Mental Health & Substance Abuse Services; Sidney Lee, Quorum Call; Justin Naifeh, Republic National Distributing Company; Collin Graham, Oklahoma Restaurant Association; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Heidi Shadid, LDF Sales and Distributing; Randy Malone, Attorney; Terrin Tillman, ROCMND Youth Services; Samantha Guinn, Institute for Responsible Alcohol Policy; and Spencer Guinn, Quinn Strategies. The following ABLE Commission employees attended the meeting: Director Brandon Clabes; Assistant Director Brent Fairchild; Attorney Andrew Koester; Captain Erik Smoot; Captain Greg Bynum; Captain Kent James; Captain Michael Randol; Senior Agent Kristen Wilson; Enforcement Liaison Kenna Nevez; Accountant Terry James; Executive Secretary Shae Isaacs; and Office Assistant Kimberly Yates.

Commissioner Revelis made a motion to approve the minutes from the October 21, 2022, Commission meeting. Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

- Vice Chairman Jonathan Brooks – Yes
- Commissioner Robert "Bob" Usry – Yes
- Commissioner Andrew Revelis – Yes
- Commissioner A. Ainslie Stanford II – Yes

The Commission viewed a media video from KFOR News Channel 4 regarding the recent ABLE investigation and confiscation of over 11,000 alcoholic beverages from a Guthrie business. The business was not properly licensed and has obtained a new business owner without notifying the ABLE Commission.

EXECUTIVE DIRECTOR'S REPORT:

- Director Brandon Clabes provided the following information to the ABLE Commission:
 - This month, Director Clabes featured ABLE Commission employee Terry James for his exceptional work with the agency. Mr. James is an accountant with ABLE and his biography was read. He was acknowledged for his pivotal part in the finance department.

- Director Clabes met with many different entities, committees and agencies including: Oklahoma State Senate, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Office of Management and Enterprise Services, Oklahoma State Bureau of Investigation, Oklahoma Sheriff's Association, LDF Wholesale Beverage Distributer, Rose State College Regents meeting and Regents Education Program, Capital Distributers, and executives with Accela.
- There have been 2 ABLE agent positions that have been filled. Lieutenant Doug Kimberlain, from Oklahoma City Police Department will start January 3, 2023 and Steve Lanier from Council on Law Enforcement Education and Training (CLEET) will start December 1, 2022.
- The ABLE Commission Deputy Director position that was previously announced as being filled, is now vacant again and accepting applications. Gayland Geiger has declined the offer to be the latest ABLE Deputy Director/General Counsel.
- House bill 3315 went into effect on November 1 to modify the penalties for underage tobacco use. Director Clabes met with Captain Smoot on the education programs that are associated with the statute.
- Director Clabes has requested an unclassified position description questionnaire to be completed by ABLE personnel staff. The information will be sent back to Human Capital Management/OMES to create up-to-date job descriptions and pay bands for future reference for ABLE employees. Also, the Performance Management Process (PMP) evaluations are going to be process soon for every ABLE employee. Ms. Kenna Nevez will be taking the lead on both of those projects.
- Director Clabes states that he is in conversation with Captain Erik Smoot & Captain Greg Bynum regarding educating large retail stores, wholesalers, distributors, retailers and licensees on trade practice information.
- Director Clabes continued to attend meetings with alcohol industry leaders, heads of state agencies, and members of the public.
- The next meeting of the ABLE Commission will be in 4 weeks on Friday, December 16, 2022, at 10:00am.

- The Licensing Supervisor and Project Manager, Carla Clanton, presented the Accela IT update. Ms. Clanton stated that she has been in communication with Accela account executive, Phil Velardi, regarding the MAS contract and updating the online ABLE licenses to reflect the new Director's name and signature, Brandon Clabes. The correct information is expected to be updated by December 2022. The Accela MAS contract has been accepted with stipulations of additional training for ABLE employees and other needs. The latest count of registered ABLE licensed users that has registered in the new online system is 80,668.

Assistant Director Brent Fairchild presented the following Enforcement Report to the Commissioners:

- Assistant Director Fairchild supplied the Commissioners with documentation regarding the entire ABLE Enforcement Division's duties, completed inspections, compliance checks, citations, meetings, trainings and police assistance to other state agencies and businesses.

- The following ABLE Commission Captains and Senior Agent presented an update of their respective departments and tasks that have been completed since the last Commission meeting: Captain Kent James, Tulsa district; Captain Michael Randol, McAlester district; Captain Scott Smith, Oklahoma City district; Captain Erik Smoot, Alcohol and Tobacco Training Unit; and Captain Greg Bynum, Trade Practices Unit.

Captain Erik Smoot gave an update on the upcoming National Conference of State Liquor Administrators conference scheduled for June 11-14, 2023. The conference will be held at the Onmi Oklahoma City Hotel.

The new ABLE Commission Chief Financial Officer, Jennifer Treadwell, stated that the budget for the ABLE Commission has been completed and submitted. The PowerPoint presentation covered the following topics: payroll expenditures by fund, surcharges and governance funds history, income from surcharges, FY2023 to FY2024 budget comparison and online refunds issued for October 2022.

ABLE Attorney Andrew Koester presented the following legal report to the Commission:
Mr. Koester provided more insight into the negotiations between ABLE and Accela with the MAS contract. Accela executives have denied the counteroffer that the ABLE Commission previously submitted. A follow-up counteroffer has been submitted and accepted by Accela. The details of the offer will be presented at a later time. He also gave an overview of the general practices of the legal department regarding violations & citations that have been issued.

Vice Chairman Brooks moved to Item #12, comments from the public.

- Dirk Van Veen, Retail Liquor Association of Oklahoma inquired about price postings possibly being added to the ABLE website, three-tier alcohol system and thanked Carla Clanton for her help with the Accela licensing system.

Vice Chairman Brooks moved on to Item #11, Executive Session to discuss ABLE Personnel Action pursuant to 25 O.S. § 307(B)(1). Commissioner Revelis made a motion to move into Executive Session. Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

Vice Chairman Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes
Commissioner A. Ainslie Stanford II – Yes

Vice Chairman Brooks called the meeting to order and called for a motion to return from Executive Session. Commissioner Revelis made the motion to return from Executive Session. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Vice Chairman Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes
Commissioner A. Ainslie Stanford II – Yes

No action was taken during Executive Session.

Commissioner Revelis made a motion to adjourn the meeting. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Vice Chairman Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes
Commissioner A. Ainslie Stanford II – Yes

The meeting was then adjourned.



James Willyard, Chairman